

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
H. LEE HORNBECK, GREGORY  
F. HURLEY and STEPHAN GAIS,

Civil Action No.: 11CV6605 (BSJ)

Plaintiffs,

**DECLARATION OF FRANK DiMARTINI**

- Against

FUSIONTECH, INC.,

Defendant.  
-----X

**Frank DiMartini** hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am an investment specialist working at National Securities Corporation located at 120 Broadway, New York, New York.
2. I have reviewed the complaint in this matter and confirm that I introduced the loans mentioned therein to the plaintiffs in this case.
3. It is my understanding that the allegations contained in the complaint are true and accurate.
4. Annexed hereto are two letters that I received from FusionTech, Inc. and their out of state counsel, both dated September 13, 2011. I shared these letters with counsel for plaintiffs on September 22, 2011 after I received a copy of the complaint in this matter.
5. It is my understanding that defendant is seeking to transfer all of its assets that remain in New York to another account in the State of Pennsylvania.
6. Without an order freezing these assets, it is my belief that by tomorrow, September 23, 2011, the defendant will not have any assets left in the State of New York.

Dated: New York, New York  
September 22, 2011

  
\_\_\_\_\_  
Frank DiMartini

**FusionTech, Inc.**

孚胜重科有限公司

No.26, Gaoneng Street, High-tech Zone

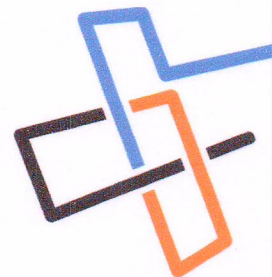
Dalian, Liaoning, China 116025

中国辽宁大连市高新园区高能街 26 号 116025

Telephone: 86-411-84799486

Fax: 86-411-84799791

Email: investors@cleanfusiontech.com



**September 13, 2011**

**Via email**

**Robert Newman, Esquire**

**Newman & Morrison LLP**

**44 Wall Street, 20<sup>th</sup> Floor**

**New York, NY 10005**

**Dear Mr. Newman:**

**FusionTech, Inc. has engaged Stevens & Lee PC ("S&L") to be our counsel. Therefore, we are requesting you and Newman & Morrison LLP, as our former counsel, to transfer our funds that you still hold on our behalf to S&L. Specifically, we request that you transfer the remaining sum of our funds that you have held pursuant to an escrow agreement dated December 10, 2010 and continue to hold (Section 4 of the escrow agreement provides that your duties as an escrow agent have ceased and the account holding the escrow funds shall be closed as the underlying offering has been closed).**

**We have agreed and instructed S&L to hold the transferred funds in our client trust account in the U.S. with S&L. We further agree and represent to you that FusionTech will not seek disbursement of such funds to our operating Chinese subsidiary company or to satisfy any obligations arising in China unless both we and S&L have a good faith and reasonable belief that U.S. creditors and U.S. debt holders holding existing or reasonably foreseeable claims have had such claims satisfied.**

**We have requested S&L to send you wire transfer instructions and to separately acknowledge to you the conditions set forth in this letter.**

**Thank you for your prompt attention.**

**Very truly yours,**

**Lixin Wang, Chief Executive Officer**

STEVENS & LEE  
LAWYERS & CONSULTANTS

1818 Market Street  
29th Floor  
Philadelphia, PA 19103  
(215) 575-0100 Fax (215) 851-0214  
www.stevenslee.com

Direct Dial: (215) 751-2876  
Email: [www@stevenslee.com](mailto:www@stevenslee.com)  
Direct Fax: (610) 371-7742

September 13, 2011

Via email and regular mail

Robert Newman, Esquire  
Newman & Morrison LLP  
44 Wall Street, 20<sup>th</sup> Floor  
New York, NY 10005

Dear Mr. Newman:

Stevens & Lee PC ("S&L") has been engaged as counsel to FusionTech, Inc. (the "Company" or "FusionTech"). The Company has requested that Newman & Morrison LLP ("N&M"), the Company's former counsel, transfer all Company funds held by N&M to S&L. S&L will place these funds in a client trust account and such funds will not be disbursed without S&L's knowledge and authorization. Consistent with the Company's agreement not to seek disbursement of such funds to its operating Chinese subsidiary company or to satisfy any obligations arising in China, S&L will not disburse funds in any manner that would be disbursed to China until S&L has a good faith and reasonable belief that U.S. creditors and U.S. debt holders holding existing or reasonably foreseeable claims as of this letter date have such claims satisfied.

Here are our wire instructions in which to send the Company's funds. Please confirm with me or my assistant Vivian Hou, when the wire has been sent so we can track it.

WIRE INSTRUCTIONS:

Wachovia  
600 Penn Street  
Reading, PA 19601  
ABA #031201467  
Swift Code: PNBPU333  
Account of: Stevens & Lee, P.C.

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

STEVENS & LEE  
LAWYERS & CONSULTANTS

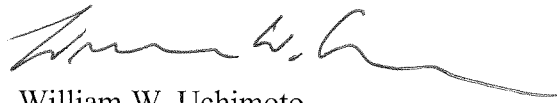
FusionTech, Inc.  
September 13, 2011  
Page 2

Attorney Trust Account: 2000112559573

Special Instructions: please indicate it is for FusionTech, Inc. ( 106878-00002).

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'William W. Uchimoto', with a long horizontal flourish extending to the right.

William W. Uchimoto